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C O N F I D E N T I A L SECTION 01 OF 02 MASERU 000251

SIPDIS

FOR AF/S AND INR/AF

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TAGS: [PGOV](#) [LT](#)

SUBJECT: OPPOSITION PARTY REQUESTS USG INTERVENTION TO RESOLVE  
ELECTION DISPUTE

REF: A. MASERU 243 B. MASERU 241

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CLASSIFIED BY: Elizabeth C. Power, Deputy Chief of Mission.

REASON: 1.4 (b), (d)

¶1. (C) SUMMARY: CDA met with the leader of opposition party Marematlou Freedom party (MFP), Senator Vincent Malebo, on July 22, 2009. After discussing the governing party's manipulation of the electoral model in the 2007 national elections and the stay away planned to start August 3, Malebo called for deeper involvement by post and other members of the diplomatic corps to ensure that peace prevails in Lesotho. CDA urged Malebo to work with all other stakeholders towards a peaceful resolution of the dispute over the proportional representational seats in parliament. END SUMMARY.

¶2. (C) The meeting with Malebo was part of a series of consultations with various stakeholders in the 2007 election dispute, and followed CDA's meeting with Tom Thabane of the All Basotho Convention (ABC) (ref A). Malebo started the discussion by outlining the history of the Mixed Member Proportional (MMP) electoral model, which was first applied, successfully, in the 2002 elections. However, he stated that following those elections, the governing Lesotho Congress for Democracy (LCD) was unhappy with the parliament because the opposition parties had made an effort to pick intellectuals and educated professionals to represent their parties, and these opposition party members dominated debates in parliament. This imbalance and the LCD's fear over their waning influence following the creation of the ABC led the LCD to form the informal alliance with the National Independent Party - it was this alliance that is at the heart of the current dispute.

¶3. (C) Malebo stated that he had personally warned the Independent Election Commission (IEC) that the alliances formed by the ABC and the LCD were against the intent of the MMP model, but they did not listen to him. Had the IEC applied the model correctly and disallowed the alliances, the ABC and MFP would have each gained 2 more seats in parliament, the Basotho National Party would have gained 5, and the LCD would have kept only 1 of the 21 seats that are currently disputed. As a result, the country is now faced with 20 people who should not be in parliament, according to the opposition; Malebo stated that many of these 20 individuals acknowledged to him after the 2007 election that they had been installed in parliament incorrectly. When he filed a case before the court asking the MMP be correctly applied to the election results, his case was dismissed by the High Court, which claimed he did not have locus standi to file on this issue. Malebo said that it was clear that this action was directly influenced by the GOL, which did not want to admit to any fault.

¶4. (C) Malebo expressed satisfaction that Masire reported that the intent of the MMP model had been violated. He stated that now that SADC has completed its task with no resolution of the

dispute, it is up to the opposition and the people to act to rectify the situation. When CDA inquired about the opposition parties' next course of action if the IEC does not respond to their ultimatum (ref B), he was quick to suggest that the Prime Minister would be removed by the army just like previous prime ministers had been. He said that the other option was for the people to go to the State House and force the Prime Minister out. In response to an inquiry about the GOL's likely reaction, Malebo stated that he expects the government to act foolishly. He mentioned that Mosisili had used the army in the past, to forcibly remove the opposition leaders from parliament when they staged a sit-in protesting the election results in 2007; he indicated that he expected the GOL to use the security forces again to crack down on the opposition as a result of the stay away.

¶5. (C) After informing CDA that he is aware that the Prime Minister has told the Lesotho Defense Force Commander to "get ready to fight," Malebo repeatedly urged the USG to intervene with the GOL before the country is plunged into chaos by a crack down on the political opposition. He stated that the local diplomatic community are the only ones who can exert pressure on the LCD and IEC to rectify the current situation. If nothing is done, the political opposition will be left with no choice but to act against the government. CDA responded by stressing that any political violence would do irreparable damage to the country. She agreed to convey his message to the local diplomatic community and noted that she was meeting with all stakeholders, including the GOL. CDA concluded the meeting by expressing hope that all parties would act responsibly, continue the dialogue to resolve this issue, and avoid violence.

¶6. (C) COMMENT: Malebo's statements about the soldiers removing the Prime Minister are concerning, but they must also be viewed in the context of his personal history. He has a violent past, having been one of the individuals camped in front of the royal palace following the 1998 elections; his group was one of those responsible for the violence that led to the SADC military intervention. At this time, there are no indications

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of widespread declining support for the GOL among the military. Although there are likely pockets of dissatisfaction, as evidenced by the LDF involvement in the April attack on the Prime Minister, the military command appears to be strong and the effective response by the soldiers who defended the Prime Minister in April indicates that the LDF is not united against him.

¶7. (C) COMMENT continued: Although Malebo predicted that there will be violence surrounding the stay away, he and his party do not seem likely to instigate any incidents themselves. His own influence has diminished as Thabane's has risen; Malebo stated, "Thabane is more violent than I am." Local analysts do agree that Thabane has lately been much more passionate and aggressive in his public statements surrounding this issue and that he is more likely to raise the tension among his followers. Thabane and other opposition leaders had earlier asked that the USG not implement the Millennium Challenge Corporation compact due to the conflict over the 2007 elections; now they are requesting that all USG programs be suspended until the issue is resolved. The opposition may be overstating the USG's influence, as the GOL has shown such inflexibility on this issue that it's not clear they would respond to any pressure from the USG or other donors, as a matter of pride. Post will meet with GOL representatives over the next few days and will continue to urge all parties to resolve this issue peacefully.

POWER